

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Burlington Northern and Santa Fe Railway Company,  
Petitioner,

v.

Westfield Township, Bureau County, Illinois; Bureau County,  
Illinois and, State of Illinois, Department of Transportation,  
Respondents.

T04-0008

Petition seeking an order from the Illinois Commerce  
Commission authorizing the permanent closure and removal of  
the at grade crossing located at the intersection of the tracks of  
The Burlington Northern and Santa Fe Railway Company and  
Westfield Township Road 3350E (TR 390), Milepost 89.02,  
DOT No. 079 655L; the construction of a connecting road  
located south of and parallel to The Burlington Northern and  
Santa Fe Railway Company's tracks which would serve to  
connect Westfield Township Road 3350E (TR 390) and  
Westfield Township Road 2400 N (TR 296); with the cost of  
such project to be borne by the parties in accordance with law  
and that a substantial portion of the cost be borne by the Grade  
Crossing Protection Fund.

SUPPLEMENTAL ORDER

By the Commission:

On April 21, 2004, the Illinois Commerce Commission ("Commission") entered its Original Order in this matter requiring, among other things, Bureau County to construct a connecting roadway from TR-3350 (TR-390) to TR-2400 (TR-296) in Westfield Township, Bureau County, Illinois. All work was to be completed within eighteen (18) months of the Order date.

On October 5, 2005, the County filed its First Supplemental Petition stating that it diligently progressed with the work after receiving the Commission's Order. Work required under this Order is not expected to be completed until work required under the Order in a companion case, T04-0007, is completed. However, the work is expected to be substantially complete by December 31, 2005. The only work that likely will be remaining is final cleanup work, as seeding and final ditch shaping may also be required. The County believes it can complete the residual work by April 30, 2006.

Therefore it requests an extension of time, to and including April 30, 2006, within which to complete the work required by the Original Order.

The Commission's Rail Safety Section staff ("Staff") has reviewed the County's request, and believes it is reasonable and should be granted.

The Commission, having given due consideration to the entire record herein, finds that:

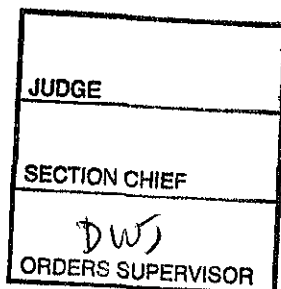
- 1) the Commission has jurisdiction of the parties hereto and the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Supplemental Order are true and correct and are hereby adopted as findings of fact;
- 3) the extension of time, to and including April 30, 2006, is fair and reasonable and should be granted, without hearing;
- 4) all other terms and conditions of the previous Orders entered in this case should remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Bureau County be granted an extension of time, to and including April 30, 2006, within which to perform the work required of it under the original Order in this matter.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order dated April 21, 2004, shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 21<sup>st</sup> day of December 2005.



Chairman